

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MATTHEW L. RICHEY,

Petitioner,

v.

CASE NO. 2:11-CV-00514

JUDGE GRAHAM

MAGISTRATE JUDGE ABEL

MICHELLE MILLER, WARDEN,


Respondent.

OPINION AND ORDER

On February 24, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. 24. Petitioner objects to the Magistrate Judge's recommendation of dismissal of his claims as procedurally defaulted, arguing that his claims warrant review on the merits. Respondent has filed a response in opposition. Doc. 25.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons already detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's objections are **OVERRULED**. His request for an evidentiary hearing is **DENIED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.


JAMES L. GRAHAM
United States District Judge